

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:
	: Case No.: 17-17327
Richard Anthony Rutgers	: Chapter 13
Elva Mae Rutgers	: Judge Richard E. Fehling
	: *****
Debtor(s).	:

OBJECTION TO DEBTOR'S AMENDED CHAPTER 13 PLAN

Now comes Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1 ("Creditor"), by and through its mortgage servicing agent Fay Servicing, LLC, by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Amended Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 5120 Curly Horse Drive, Center Valley, PA 18034. Creditor has filed proof of claim number 1 for the subject mortgage loan in the amount of \$470,924.61, and reflecting a pre-petition arrears amount of \$37,728.41.
2. Debtor's Amended Plan proposes to address Creditor's arrearage claim upon the sale of the subject property, with such sale to be completed by January 2019. However the Plan contains no alternative treatment of Creditor's claim in the event that a sale of the property has not been completed by the expiration of the sale deadline.
3. Creditor requests that Debtor's Plan be amended to provide for payment of Creditor's claim, including the arrearage claim, until such time as a sale of the subject property has been completed, or to surrender their interest in the subject property.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Amended Chapter 13 Plan.

Respectfully submitted,

/s/ Adam B. Hall

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's

Amended Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, Chapter 13 Trustee, 2901 St. Lawrence Ave., Reading,
PA 19606

Kevin K. Kercher, Attorney for Richard Anthony Rutgers and Elva Mae Rutgers, 881 Third
Street, Suite C-2, Whitehall, PA 18052, kevinkk@kercherlaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on September 26,
2018:

Richard Anthony Rutgers and Elva Mae Rutgers, 5120 Curly Horse Drive, Center Valley, PA
18034

American General Consumer Discount, 1301 Chestnut St, Emmaus, PA 18049-1920

DATE: 09/26/2018

/s/ Adam B. Hall

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